



STATE OF MICHIGAN
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DEPARTMENT OF STATE
LANSING

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**BALLOT ACCESS INFORMATION FOR PRESIDENTIAL CANDIDATES
SEEKING OFFICE IN 2008**

The following summarizes the provisions of Michigan election law which govern the ballot access procedures established in Michigan for candidates who seek the office of U.S. President. As the ballot access procedures are subject to change by the Michigan State Legislature, presidential candidates interested in participating in Michigan's February 26, 2008 presidential primary or November 4, 2008 general election are encouraged to remain in contact with the Michigan Department of State's Bureau of Elections in advance of the elections.

February 26, 2008 Presidential Primary

Michigan's presidential primary will be conducted on Tuesday, February 26, 2008. (MCL 168.613a(1) as amended under PA 13 of 2003)

Presidential candidates who wish to appear on the presidential primary ballot must run as a Republican Party candidate or a Democratic Party candidate. (MCL 168.613a(2) as amended under PA 13 of 2003) Candidates without political party affiliation ("independent candidates") are not qualified to appear on the presidential primary ballot.

There are two ways candidates seeking nomination to the office of U.S. President can gain access to Michigan's presidential primary ballot:

BALLOT ACCESS THROUGH SOS OR PARTY LIST: No later than November 9, 2007, the Secretary of State will issue a list of individuals who are "generally advocated" by the national news media as potential Republican Party and Democratic Party presidential nominees. No later than November 13, 2007, the state party chairpersons of the Republican Party and Democratic Party will issue a list of individuals their respective parties view as potential presidential nominees. (MCL 168.614a as amended under PA 72 of 1999) An individual listed by the Secretary of State or one of the state party chairpersons will be placed on Michigan's presidential primary ballot unless he or she chooses not to participate in the presidential primary as explained below.

Each potential presidential nominee identified on the lists will be notified by the Secretary of State. The notification will provide information on the provisions of Michigan election law which govern the conduct of the presidential primary and identify the presidential primary ballot which will bear the candidate's name (Republican Party ballot or Democratic Party ballot). (MCL 168.614a as amended under PA 72 of 1999)

A potential presidential nominee listed by the Secretary of State or one of the state party chairpersons who wishes to change his or her political party affiliation as identified in the Secretary of State's notification is required to file an affidavit (sworn statement) with the

Secretary of State no later than 4:00 p.m. on December 14, 2007. Similarly, a potential presidential nominee listed by the Secretary of State or one of the state party chairpersons who does not wish to participate in Michigan's presidential primary is required to file an affidavit (sworn statement) with the Secretary of State no later than 4:00 p.m. on December 14, 2007. (MCL 168.615a as amended under PA 72 of 1999)

BALLOT ACCESS BY PETITION: Presidential candidates who do not gain access to the presidential primary ballot through the procedure outlined above must file a partisan nominating petition in order to appear on the ballot. Republican candidates must file at least 11,569 valid signatures; Democratic candidates must file at least 12,396 valid signatures. Signatures dated prior to October 1, 2007 will not be counted. The filing deadline is 4:00 p.m. on December 14, 2007. (MCL 168.615a as amended under PA 72 of 1999)

November 4, 2008 General Election Ballot

The November general election ballot will combine the major party presidential nominees; presidential nominees named by the minor parties qualified to appear on the general election ballot; and presidential candidates who choose to run without political party affiliation. Write-in candidates who seek the office of U.S. President are also eligible to participate in the general election.

PRESIDENTIAL CANDIDATES AFFILIATED WITH A MAJOR PARTY: The names and addresses of the party's candidates for the offices of president and vice-president must be certified by the chairperson and the secretary of the party's state central committee to the Secretary of State within one business day after the conclusion of the party's state convention or national convention (whichever is later). In addition, the chairperson and secretary of the party's state central committee must forward to the Secretary of State a certificate which bears the names and addresses of the party's presidential electors. The certificate must be sent to the Secretary of State by certified or registered mail within one business day after the conclusion of the party's state convention. (MCL 168.42; 168.591; 168.686 as amended under PA 284 of 2003)

PRESIDENTIAL CANDIDATES AFFILIATED WITH A MINOR PARTY: The names and addresses of the party's candidates for the offices of president and vice-president must be certified by the chairperson and secretary of the party's state central committee to the Secretary of State within one business day after the conclusion of the party's state convention or national convention (whichever is later). In addition, the chairperson and secretary of the party's state central committee must forward to the Secretary of State a certificate which bears the names and addresses of the party's presidential electors. The certificate must be sent to the Secretary of State by certified or registered mail within one business day after the conclusion of the party's state convention. (MCL 168.42; 168.686 as amended under PA 284 of 2003)

A political party may appear on the general election ballot in Michigan by virtue of the voter support accorded the party at the last general election or by filing a "new political party" petition.

For further information on the procedures which govern political party ballot access, contact the Department of State's Bureau of Elections.

PRESIDENTIAL CANDIDATES WITHOUT POLITICAL PARTY AFFILIATION: The candidate must submit a qualifying petition, the name of his or her running mate and the names and addresses of his or her presidential electors. The qualifying petition must be filed no later than 4:00 p.m. on July 17, 2008. (MCL 168. 590c) The name of the candidate's running mate and the names and addresses of his or her presidential electors must be filed no later than September 1, 2008. (MCL 168.590d) All documents must be filed with the Department of State's Bureau of Elections.

- The number of valid signatures required on the qualifying petition is 30,000; up to 60,000 signatures can be submitted to cover the minimum number of valid signatures required. (MCL 168.544f) Of the signatures submitted on the petition, there must be at least 100 signatures from each of at least 1/2 of the congressional districts in the state. (MCL 168.590b)
- Any signatures appearing on the qualifying petition which are dated more than 180 days prior to the date the petition is filed are invalid. (MCL 168.590b)
- A candidate who wishes to withdraw his or her petition must submit a written notice of withdrawal to the Department of State's Bureau of Elections no later than 4:00 p.m. on July 21, 2008. (MCL 168.590c)
- The law specifies that a person who files a qualifying petition cannot appear on the ballot as a partisan candidate for any office for the remainder of the calendar year. (MCL 168.590g) The law further specifies that a person who files a partisan nominating petition or filing fee as a candidate of a political party or who is nominated by a political party convention, committee or caucus and accepts the nomination cannot file a qualifying petition for the remainder of the calendar year. (MCL 168.692a)

WRITE-IN CANDIDATES FOR PRESIDENT: Write-in votes cast for a political party's candidates for president and vice-president are tallied and certified as votes for the party's presidential electors if the party forwards the names of the candidates, a list of the party's presidential electors and "Declaration of Intent" forms executed by the candidates to the Secretary of State by September 5, 2008. Write-in votes cast for an individual seeking the office of U.S. President who fails to file the required documents are not counted.

Write-in votes cast for a candidate for president who does *not* have a political party affiliation are tallied and certified as votes for the candidate's presidential electors if the candidate forwards the name of his or her running mate, a list of presidential electors and a "Declaration of Intent" form to the Secretary of State by September 5, 2008. Write-in votes cast for an individual seeking the office of U.S. President who fails to file the required documents are not counted.

ADDITIONAL INFORMATION

If you have questions regarding any of the information presented here, please feel free to contact this office. Answers to your questions will also be found in the Michigan election law. To order a copy, remit \$7.50 to this office. Please make your check or money order payable to the "State of Michigan." The Michigan election law can also be accessed through the website maintained by the Michigan State Legislature <www.michiganlegislature.org>.

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